

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**GEORGIOS DIAMANTOPOULOS,**

**8:15CV114**

**Plaintiff,**

**V.**

# MEMORANDUM AND ORDER

**STATE OF NEBRASKA, (N.D.C.S.),**

**Defendant.**

This matter is before the Court on its own motion. Plaintiff Georgios Diamantopoulos, also known as Cary Nelson Rehbein, filed a Complaint (Filing No. 1) on April 13, 2015. However, Plaintiff failed to include the \$400.00 filing and administrative fees. Plaintiff has the choice of either submitting the \$400.00 filing and administrative fees to the Clerk's Office or submitting a request to proceed in forma pauperis.<sup>1</sup> Failure to take either action within 30 days will result in the Court dismissing this case without further notice to Plaintiff. Accordingly,

IT IS ORDERED:

1. Plaintiff is directed to submit the \$400.00 fees to the Clerk's Office or submit a request to proceed in forma pauperis within 30 days. Failure to take either action will result in dismissal of this matter without further notice.

<sup>1</sup> As set forth in the Prison Litigation Reform Act, a prisoner cannot bring a civil action in forma pauperis if he has, on three or more prior occasions, while incarcerated, brought an action that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted unless he is under imminent danger of serious physical injury. The following three cases, brought by Plaintiff, were dismissed because they failed to state a claim upon which relief may be granted or because they were frivolous: *Rehbein v. Nelson, et al.*, No. 4:95CV3157 (D. Neb.), dismissed on August 18, 1995; *Diamantopoulos v. Director of Corrections, et al.*, No. 4:05CV3097 (D. Neb.), dismissed on May 13, 2005; *Diamantopoulos v. State of Nebraska, et al.*, No. 8:07CV31 (D. Neb.), dismissed on October 14, 2008. Accordingly, Plaintiff will not be allowed to proceed in forma pauperis in this matter unless he shows he is under imminent danger of serious physical injury.

2. The Clerk of the Court is directed to set a pro se case management deadline in this matter with the following text: May 18, 2015: Check for MIFP or payment.

DATED this 15<sup>th</sup> day of April, 2015.

BY THE COURT:

s/Laurie Smith Camp  
Chief United States District Judge